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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,222

03/11/2004

Andy W. Anderson SR.

040965.015CIP

3492

25461 7590 04/06/2007
SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30307-3592

EXAMINER

PLUMMER, ELIZABETH A

ART UNIT

PAPER NUMBER

3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/798,222

Applicant(s)

ANDERSON, ANDY W.

Examiner

Elizabeth A. Plummer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 45-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-26, 28-37 and 39-44 is/are rejected.
- 7) ☒ Claim(s) 16, 27 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner. .
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This is a first Office action on the merits for application serial number 10/798,222 filed 03/11/2004. Applicant's Response to the Election/Restriction requirement received 03/08/2007 has been received and entered. In view of applicant's election of Group I, claims 1-44 have been examined.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-10, 12-15, 17-21, 23-26, 28-32, 34-37, 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermillion (US Patent 4,459,790) in view of Holztrager (US Patent 5,921,044) and Biela (US Patent 3,667,177).

a. Regarding claim 1, Vermillion discloses a wall panel system for covering an existing wall in a room having a plurality of walls, a ceiling, a floor, and an opening, the wall panel system comprising a wall panel (20) and a hanger system attached to the existing wall (32) (Fig. 1), the hanger system comprising a ceiling track (28) with a downwardly open channel mounted on the existing wall (32) adjacent the ceiling (Fig. 1) and a base track (29) mounted on the existing wall (32) adjacent the floor wherein a top edge of the wall panel is retained in the downwardly open channel of the ceiling track (Fig. 3) and a bottom edge of the wall panel is supported and held in place by the base track (Fig. 3). Vermillion

does not disclose that the wall panel is a fabric wall panel comprising a fabric cover overlaying a panel insert. However, it is notoriously well known in the art of paneling that a wall panel can comprise a fabric cover overlaying a panel insert. For example, Holztrager teaches a wall panel system (D) comprising a hanger system with a ceiling track with downwardly open channel (Fig. 1), a base track (Fig. 1) and fabric wall panels comprising a fabric cover overlaying a panel insert (column 4, lines 18-24) in order to decorate the panel insert. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vermillion to include a fabric cover overlaying a panel insert, such as taught by Holztrager, in order to create a more decorative wall panel system. Vermillion also does not disclose that the base track comprises a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector. However, it is well known in the art that a base track can comprise a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector instead of a unitary base track. For example, Biela teaches a wall panel system comprising wall panels (18,20) and a hanger system, the hanger

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system comprising a base track (30). The base track (30) comprises a fixed base attachment strip (32) mounted on the existing wall (12) adjacent the floor (Fig. 1,4) and including a panel support surface (top edge of 38) and a first frictionally engageable connector (36,38), and a removable trim attachment strip (46) with a base panel keeper (58,60) and a second frictionally engageable connector (64) for engaging the first frictionally engageable connector (Fig. 4, 5).

Biela teaches that the two-piece base track system is less expensive to manufacture (column 1, lines 35-40) and the molding trim section can be installed after the wall paneling after the decorating is completed (column 1, lines 45-50). It would have been obvious to one of ordinary skill in the art to modify Vermillion to include a base track comprising a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector, such as taught by Biela, in order to make an easier to install wall panel system.

b. Regarding claim 2, Vermillion discloses the existing wall having height and a length, and the wall panel having a having a panel height approximately equal to a distance between the downwardly open channel of the ceiling track and the panel support surface of the base track so that no horizontal seams exist along the panel height (Fig. 1,3). Vermillion does not disclose that the wall panel has a length that is approximately equal to the length of the existing wall so that no

vertical seams exist along the panel length. However, it would have been a matter of obvious design choice to the panel length longer, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

c. Regarding claims 13 and 35, Vermillion does not disclose that a seam trim piece hides vertical seams between the adjacent panels and wherein the seam trim (28) comprises a seam trim base (32), a seam trim leg (64), and a seam trim keeper (48,50) wherein the corner trim base is attached to one of the adjacent walls (Fig. 3), the seam trim leg is attached to the seam trim base (via 40) and extends from the seam trim base through the vertical corner seam (Fig. 3), and the seam trim keeper is attached to the corner trim leg (Fig. 3) and extends across the vertical seam (Fig. 3).

d. Regarding claims 3 and 14, Vermillion does not disclose that the adjacent walls in the room form a corner and at least two wall panels meet at a corner with a vertical corner seam between the adjacent panels and wherein the wall panel system further includes a corner trim piece to hide the vertical corner seam. However, it is notoriously well known in the art that a wall panel system can be used to cover adjacent walls in a room wherein the wall panels meet at the corner and the vertical corner seam can be hid with a corner trim piece. For example, Biela teaches that a wall panel system can be used to cover adjacent walls (12,14) in a room wherein the wall panels (18,22) meet at the corner and

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the vertical corner seam can be hid with a corner trim piece (28) (column 2, lines 53-64).

e. Regarding claims 4 and 15, Biela discloses that the corner trim piece (28) comprises a corner trim base (32), a corner trim leg (64), and a corner trim keeper (48,50) wherein the corner trim base is attached to one of the adjacent walls (Fig. 3), the corner trim leg is attached to the corner trim base (via 40) and extends from the corner trim base through the vertical corner seam (Fig. 3), and the corner trim keeper is attached to the corner trim leg (Fig. 3) and extends across the vertical corner seam (Fig. 3).

f. Regarding claims 6, 9, 17, 20, 28, 31, 39 and 42, Biela discloses the removable trim attachment strip of the base track includes a decorative trim piece (48) (Fig. 4).

g. Regarding claims 7,10, 18 and 21, Biela discloses the first engageable connector comprises a first connector web (38) and a second connector web (36) spaced from each other (Fig. 5) and the second frictionally engageable connector comprises a first engagement web (68,70) and a second engagement web (opposite 68,70) spaced from each other (by 64) such that when the first frictionally engageable connector and the second frictionally engageable connector are engaged, the spaced apart webs (36,38) create a closed chase along the length of the base track (Fig. 4).

h. Regarding claims 8 and 19, Vermillion discloses the invention as claimed except for the base track being mounted on an existing wall adjacent an opening.

However, it is notoriously well known in the art of wall paneling that base tracks can be installed adjacent openings such as windows and doors. It would have been obvious to one of ordinary skill in the art to mount the base track of

Vermillion on a wall next to a door in order to make the wall panel system cover the entire room.

i. Regarding claim 12, Vermillion discloses the existing wall having a height and a length and the wall panel having a panel length substantially less than the length of the existing wall and the wall panel having a panel height approximately equal to a distance between the downwardly open channel of the ceiling track and the panel support surface of the base track so that a plurality of wall panels are required to cover the existing wall and as a result at least one vertical seam exists between adjacent fabric wall panels on the existing wall (Fig. 1).

j. Regarding claim 23, Vermillion discloses a method for installing a fabric wall panel system on an existing wall having a height and a length, in a room having a plurality of walls, a ceiling, a floor and an opening, the method comprising attaching a ceiling track (28) to an existing wall adjacent the ceiling along the length of the existing wall (Fig. 1), wherein the ceiling track has a downwardly open channel (Fig. 1,3), attaching a base track to the existing wall adjacent the floor along the length of the floor, wherein the base track includes a panel support surface (Fig. 1,3), inserting the top edge of a wall panel into the downwardly open channel (Fig. 1,3), and engaging a bottom edge of the wall panel against the panel support surface of the base track (Fig. 1,3). Vermillion

does not disclose that the wall panel is a fabric wall panel comprising a fabric cover overlaying a panel insert. However, it is notoriously well known in the art of paneling that a wall panel can comprise a fabric cover overlaying a panel insert. For example, Holztrager teaches a wall panel system (D) comprising a hanger system with a ceiling track with downwardly open channel (Fig. 1), a base track (Fig. 1) and fabric wall panels comprising a fabric cover overlaying a panel insert (column 4, lines 18-24) in order to decorate the panel insert. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vermillion to include a fabric cover overlaying a panel insert, such as taught by Holztrager, in order to create a more decorative wall panel system. Vermillion also does not disclose that the base track comprises a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector. However, it is well known in the art that a base track can comprise a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector instead of a unitary base track. For example, Biela teaches a wall panel system comprising wall panels (18,20) and a hanger system, the hanger

system comprising a base track (30). The base track (30) comprises a fixed base attachment strip (32) mounted on the existing wall (12) adjacent the floor (Fig. 1,4) and including a panel support surface (top edge of 38) and a first frictionally engageable connector (36,38), and a removable trim attachment strip (46) with a base panel keeper (58,60) and a second frictionally engageable connector (64) for engaging the first frictionally engageable connector (Fig. 4, 5). Biela teaches that the two-piece base track system is less expensive to manufacture (column 1, lines 35-40) and the molding trim section can be installed after the wall paneling after the decorating is completed (column 1, lines 45-50). It would have been obvious to one of ordinary skill in the art to modify Vermillion to include a base track comprising a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector, such as taught by Biela, in order to make an easier to install wall panel system.

k. Regarding claim 24, Vermillion discloses fabricating a wall panel, wherein the custom wall panel has a panel height approximately equal to the distance between the downwardly open channel of the ceiling track and the panel support surface of the base track, and installs the panel according to the method as described above. Vermillion does not disclose that the wall panel has a length that is approximately equal to the length of the existing wall so that no vertical

seams exist along the panel length. However, it would have been a matter of obvious design choice to the panel length longer, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

l. Regarding claims 25 and 36, Vermillion does not disclose that the adjacent walls in the room form a corner and at least two wall panels meet at a corner with a vertical corner seam between the adjacent panels and wherein the method comprises inserting a corner trim piece to hide the vertical corner seam. However, it is notoriously well known in the art that a wall panel system can be used to cover adjacent walls in a room wherein the wall panels meet at the corner and the vertical corner seam can be hid with a corner trim piece. For example, Biela teaches that a wall panel system can be used to cover adjacent walls (12,14) in a room wherein the wall panels (18,22) meet at the corner and the vertical corner seam can be hid by inserting a corner trim piece (28) (column 2, lines 53-64).

m. Regarding claim 26 and 37, Biela discloses that the corner trim piece (28) comprises a corner trim base (32) attached to a corner trim leg (64), and the corner trim leg is attached to a corner trim keeper (48,50) wherein the corner trim base is attached to one of the adjacent walls (Fig. 3) and engages one of the adjacent wall panels by the corner trim leg and the corner trim keeper (Fig. 3), and the method comprises installing the other wall panel against the corner trim

leg and behind the corner trim keeper so that the vertical corner seam is hidden by the corner trim keeper (Fig. 3).

n. Regarding claims 29, 32, 40 and 43, Biela discloses the first engageable connector comprises a first connector web (38) and a second connector web (36) spaced from each other (Fig. 5) and the second frictionally engageable connector comprises a first engagement web (68,70) and a second engagement web (opposite 68,70) spaced from each other (by 64) such that when the method further includes urging the first frictionally engageable connector into engagement with the second frictionally engageable connector, the spaced apart webs (36,38) create a closed chase along the length of the base track (Fig. 4).

o. Regarding claims 30 and 41, Biela discloses the removable trim attachment strip with the base panel keeper is attached to the fixed base attachment strip via the first and second engageable connectors. Biela does not disclose the fixed base attachment strip track being mounted on an existing wall adjacent an opening. However, it is notoriously well known in the art of wall paneling that base tracks can be installed adjacent openings such as windows and doors. It would have been obvious to one of ordinary skill in the art to mount the base track of Vermillion in view of Holztrager and Biela on a wall next to a door in order to make the wall panel system cover the entire room.

p. Regarding claim 34, Vermillion discloses the existing wall having a height and a length and the wall panel having a panel length substantially less than the length of the existing wall and the wall panel having a panel height approximately

equal to a distance between the downwardly open channel of the ceiling track and the panel support surface of the base track so that a plurality of wall panels are required to cover the existing wall and the wall panels are installed in accordance with the method above, and at least one vertical seam exists between adjacent fabric wall panels on the existing wall (Fig. 1).

3. Claims 11, 22, 33, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermillion (US Patent 4,459,790) in view of Holztrager (US Patent 5,921,044) and Biela (US Patent 3,667,177) as applied to claims 2, 12, 24, and 34 above, and further in view of Alvaro (US Patent 6,22,452). Regarding claims 11, 22, 33 and 44, Vermillion in view of Holztrager and Biela disclose the invention as claimed except for the panel insert comprising a foam layer and backing layer. However, it is notoriously well known in the art that panel inserts can comprise a foam layer and backing layer. For example, Alvaro teaches a foam layer (column 3, lines 20-25) and a backing layer (column 6, lines 10-20) in order to give the panel insert enhanced insulation and waterproofing properties. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vermillion in view of Holztrager and Biela to include a foam layer and a backing layer, such as taught by Alvaro, in order to enhance the durability and usefulness of the wall panel insert.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent

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and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-5, 11 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 5, and 6 of U.S. Patent No. 6,918,212 in view of Biela (US Patent 3,667,177).

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a. Regarding claim 1, claim 1 of U.S. Patent No. 6,918,212 recites a fabric panel system for covering an existing wall in a room having a plurality of walls, ceiling, a floor and is capable of having an opening, the wall panel system comprising a fabric wall panel comprising a fabric cover overlaying a panel insert and a hanger system attached to the existing wall comprising a ceiling track with a downwardly open channel mounted on the existing wall adjacent to the ceiling and a base track with an upwardly depending support surface mounted on the existing wall adjacent the ceiling, wherein a top edge of the fabric wall panel is retained in the downwardly open channel of the ceiling track and a bottom edge of the fabric wall panel is supported by the base track. While U.S. Patent 6,918,212 does not claim a base track comprising a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector, the use of a base track comprising a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector is an obvious variant of a generic unitary base track. For example, Biela teaches a wall panel system comprising wall panels (18,20) and a hanger system, the hanger system comprising a base track (30).

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The base track (30) comprises a fixed base attachment strip (32) mounted on the existing wall (12) adjacent the floor (Fig. 1,4) and including a panel support surface (top edge of 38) and a first frictionally engageable connector (36,38), and a removable trim attachment strip (46) with a base panel keeper (58,60) and a second frictionally engageable connector (64) for engaging the first frictionally engageable connector (Fig. 4, 5). Biela teaches that the two-piece base track system is less expensive to manufacture (column 1, lines 35-40) and the molding trim section can be installed after the wall paneling after the decorating is completed (column 1, lines 45-50). It would have been obvious to one of ordinary skill in the art to modify U.S. Patent No. 6,918,212 to include a base track comprising a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector, such as taught by Biela, in order to make an easier to install wall panel system.

b. Regarding claim 2, claim 2 corresponds to claim 1 of U.S. Patent No. 6,918,212.

c. Regarding claim 3, claim 3 corresponds to claim 2 of U.S. Patent No. 6,918,212.

d. Regarding claim 4, claim 4 corresponds to claim 3 of U.S. Patent No. 6,918,212.

- e. Regarding claim 5, claim 5 corresponds to claim 1 of U.S. Patent No. 6,918,212.
- f. Regarding claim 11, claim 11 corresponds to claim 5 of U.S. Patent No. 6,918,212.
- g. Regarding claim 23, claim 6 of U.S. Patent No. 6,918,212 recites a method for installing a fabric wall panel system on an existing wall having a height and a length, in a room having a plurality of walls, a ceiling, a floor and is capable of having an opening, the method comprising attaching a ceiling track to the existing wall adjacent the ceiling along the length of the existing wall, wherein the ceiling track has a downwardly open channel, attaching a base track to the existing wall adjacent the floor along the length of the existing wall, inserting a top edge of a fabric wall panel, comprising a fabric cover overlaying a panel insert, into the downwardly open channel, and engaging a bottom edge of the fabric wall panel against the support surface of the base track. While claim 6 of U.S. Patent 6,918,212 does not recite the base track is a fixed base attachment strip, wherein the fixed base attachment strip includes a panel support surface and a first frictionally engageable connector and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector is attached to the first frictionally engageable connector, it is well known in the art that a base track can comprise a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a

base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector instead of a unitary base track. For example, Biela teaches a wall panel system comprising wall panels (18,20) and a hanger system, the hanger system comprising a base track (30). The base track (30) comprises a fixed base attachment strip (32) mounted on the existing wall (12) adjacent the floor (Fig. 1,4) and including a panel support surface (top edge of 38) and a first frictionally engageable connector (36,38), and a removable trim attachment strip (46) with a base panel keeper (58,60) and a second frictionally engageable connector (64) for engaging the first frictionally engageable connector (Fig. 4, 5). Biela teaches that the two-piece base track system is less expensive to manufacture (column 1, lines 35-40) and the molding trim section can be installed after the wall paneling after the decorating is completed (column 1, lines 45-50). It would have been obvious to one of ordinary skill in the art to modify U.S. Patent No. 6,918,212 to include a base track comprising a fixed base attachment strip mounted on the existing wall adjacent the floor and including a panel support surface and a first frictionally engageable connector, and a removable trim attachment strip with a base panel keeper and a second frictionally engageable connector for engaging the first frictionally engageable connector, such as taught by Biela, in order to make an easier to install wall panel system.

Allowable Subject Matter

6. Claims 16, 27 and 38 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Plummer whose telephone number is (571) 272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAP

EAP


JEANETTE E. CHAPMAN
PRIMARY EXAMINER
GROUP ~~3635~~ 3635